

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

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|--|---|-----------------|
| APPLICATION OF SBA TOWERS, INC. AND GTE |) | |
| WIRELESS OF THE MIDWEST INCORPORATED |) | |
| FOR ISSUANCE OF A CERTIFICATE OF PUBLIC |) | |
| CONVENIENCE AND NECESSITY TO CONSTRUCT |) | |
| A WIRELESS COMMUNICATIONS FACILITY IN |) | CASE NO. 99-275 |
| THE CINCINNATI-DAYTON MAJOR TRADING |) | |
| AREA (MTA) WHICH INCLUDES BOONE, |) | |
| KENTON, CAMPBELL, GALLATIN, GRANT, |) | |
| PENDLETON, BRACKEN, MASON, LEWIS, GREENUP, |) | |
| CARTER, BOYD, ELLIOTT, LAWRENCE, JOHNSON, |) | |
| MARTIN, FLOYD, AND PIKE COUNTIES, KENTUCKY |) | |
| (GLENCOE/01-1551 FACILITY) |) | |

O R D E R

On June 29, 1999, SBA Towers, Inc. ("SBA"), as ultimate owner, and GTE Wireless of the Midwest Incorporated (GTE Wireless), filed an application seeking a Certificate of Public Convenience and Necessity to build and operate a wireless radio telecommunications antenna tower for the Cincinnati-Dayton Major Trading Area (MTA). SBA has requested authorization to construct a cell site in Gallatin County.

The proposed cell site consists of a 380-foot or less guyed antenna tower to be located at U. S. Highway 127, Glencoe, Gallatin County, Kentucky ("Glencoe/01-1551 site"). The coordinates for the Glencoe/01-1551 site are North Latitude 38° 44' 37.42" by West Longitude 84° 49' 33.85".

SBA has provided information regarding the structure of the tower, safety measures, and antenna design criteria for the Glencoe/01-1551 site. Based upon the application, the

design of the tower and foundation conforms to applicable nationally recognized building standards, and a Registered Professional Engineer has certified the plans.

Pursuant to 807 KAR 5:063, Section 1, SBA notified the Gallatin County Judge/Executive of the pending construction. SBA has filed applications with and received approvals from the Federal Aviation Administration and the Kentucky Airport Zoning Commission for the construction and operation of the Glencoe/01-1551 site.

SBA has filed notices verifying that each person who owns property within 500 feet of the Glencoe/01-1551 site has been notified of the pending construction. The notice solicited any comments and informed the property owners of their right to intervene. In addition, notices were published in a newspaper of general circulation in Gallatin County and were posted in a visible location on the proposed site and on the nearest public road. The posted notices remained posted for at least two weeks after SBA's application was filed. To date, no intervention requests have been received.

Pursuant to KRS 278.280, the Commission is required to determine proper practices to be observed when it finds, upon complaint or on its own motion, that the facilities of any utility subject to its jurisdiction are unreasonable, unsafe, improper, or insufficient. To assist the Commission in its efforts to comply with this mandate, SBA should notify the Commission if it does not use this antenna tower to provide cellular radio telecommunications services in the manner set out in its application and this Order. Upon receipt of such notice, the Commission may, on its own motion, institute proceedings to consider the proper practices, including removal of the unused antenna tower, which should be observed by SBA.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that SBA should be granted a Certificate of Public Convenience and Necessity to construct and operate the Glencoe/01-1551 site in MTA under its previously approved tariff.

IT IS THEREFORE ORDERED that:

1. SBA is granted a Certificate of Public Convenience and Necessity to construct and operate the Glencoe/01-1551 site.
2. SBA shall immediately notify the Commission in writing, if, after the antenna tower is built and utility service is commenced, the tower is not used for a period of 3 months in the manner authorized by this Order.

Done at Frankfort, Kentucky, this 18th day of August, 1999.

By the Commission

ATTEST:

Executive Director